

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH IN AND FOR
L-1 UTAH COUNTY.

PROVO RESERVOIR COMPANY, a corporation,)	
)	ANSWER
Plaintiff,)	
)	CROSS-COMPLAINT
vs.)	
PROVO CITY et al.)	AND COUNTER CLAIM..
)	
Defendants.)	

Comes now SEGO IRRIGATION COMPANY, a corporation, one of the defendants in the above entitled action, and by leave of court and consent of counsel had and obtained, makes the following answer to the plaintiff's complaint, to-wit ::

First,- This defendant admits the allegations contained in the paragraphs of the plaintiff's complaint numbered 1 to 28 both inclusive, and also admits the allegations contained in paragraphs numbered 30, 31, 37, 38, and 29d.

Second,- Not having any knowledge or information sufficient to form a belief in respect thereto, this defendant on that ground, denies each and every allegation contained in the paragraphs of the said complaint numbered 29, 29a, 29b, 29c, 29e, 32, and 33 ..

Third,- Referring to paragraph numbered 35 of said complaint this defendant denies that it has at any time diverted from said river, or converted to its own use, the water, the use of which belonged to, or was, or is, the property of the plaintiff, and denies that this defendant threatens to violate any rights of the plaintiff, and denies that any acts of this defendant have or will work an injury to the plaintiff or its stockholders or leasees or destroy their crops, or do them any damages whatsoever, and denies that any act or acts of this defendant, threatened or otherwise, have deprived or will deprive, the plaintiff or its stockholders, or leasees, of any right or interest they may

have to the use of the water of said Provo River.

Fourth,- Answering paragraph of said complaint numbered 36, this defendant denies that it has, at any time, used any water diverted by it, wastefully or in any quantities, of that necessary and beneficial for the irrigation of the land of this defendant's stockholders, and denies that any ^{use} ~~use~~ of the waters of said Provo River by this defendant has deprived or is depriving the plaintiff or any party to this suit of any lawful right to the use of the waters of said river; and denies that any ^{use} ~~use~~ of said water, by this defendant, was, or is, a violation of the rights of the plaintiff, or its stockholders or lessees, or has prevented, the development of the country or been in violation of the public policy of this State.

Fifth,- Referring to paragraph numbered 39 of plaintiff's complaint this defendant denies that it has interfered with the flow of the water in the tributaries of Provo River or at all without regard to the legal rights of others; but admits each and every other allegation in said paragraph contained.

COUNTER-CLAIM AND CROSS-COMPLAINT.

Further answering the plaintiff's complaint and as a defense thereto, and by way of counterclaim against the plaintiff and cross-complaint against each and all of the other defendants, this defendant alleges:

First,- Each and every allegation contained in the paragraphs numbered 1 to 26, both inclusive, of the plaintiff's complaint, is adopted and alleged as a part of this counter-claim and cross-complaint in like manner as though the same were set forth in full herein.

Second,- That this defendant, the SEGO IRRIGATION COMPANY, is entitled to all the rights to the use of high water to the amount of 10 second feet as applied for and granted by filing No. 2575 in the State Engineer's office in the State of Utah.

Third,- That this defendant is entitled to all the rights to the use of 1/14 of all the water applied for and granted under filing No. 442 for 8500 acre feet of water, or such amount as may be stored in the Washington Lake and other lakes named and described in said filing No. 442.

Fourth,^e That this defendant is entitled to all the rights to the use of 1/14 of all the water applied for and granted under filing No. 943, which is supplemental to said filing No. 442, for 8500 acre feet of water or so much as may be taken from what is known as Shingle Creek, a tributary of Weber river.

Fifth,- That this defendant is entitled to all the rights to the use of 1/14 of all the water applied for and granted under filing No. 944 for 8500 acre feet of water from Shingle Creek.

Sixth,- That the stockholders of this defendant own lands situate in the county of Utah, State of Utah, the legal subdivisions of which lands are as follows, to-wit : NE.1/4 of Sec. 11 and the SE. 1/4 of the SW.1/4 of Sec. 12 T 6 S. R. 2 E. S. L. B. M., and amounting to 200 acres ; that in its natural condition said land is arid and unproductive, but by the application of water it becomes fertile and will produce abundant crops.

Seventh,- That the stockholders of this defendant now apply and since the year 1909 they and their predecessors in interest have applied, all waters herein mentioned beneficially to their lands herein described, except 5 sec. feet of high water, as applied for in filing No. 2575 above mentioned; and that all of said waters so applied are necessary to the proper cultivation of said land, and that all of said waters are now, and since the year ~~1909~~ ¹⁹¹¹ have been, used without waste on said lands.

Eighth,- This defendant now maintains, and since the year ~~1909~~ ¹⁹¹¹ has maintained a system of canals, ditches, flumes, and pipe lines which is adequate to convey all of the waters herein mentioned without unreasonable and unnecessary loss to the lands of the stockholders of this defendant, as above described.

WHEREFORE, this defendant prays judgment:

That the plaintiff and each of the other defendants in this action be required to set forth each and every interest and claim made by them and each of them in and to the waters of said Provo River adverse to the rights of this defendant as hereinbefore set forth, and that said several adverse claims and interests be adjudicated and determined and declared to be without right or foundation as against the rights of this defendant. That the title, ownership and right to the use of the quantity of water from said river claimed by this defendant as herein set forth be quieted and confirmed by a decree of this court as against the claims and pretended rights of each and all of the other parties herein, and that the plaintiff and the other defendants herein be enjoined and restrained from, in any manner, interfering with the rights of this defendant in and to the waters of said river; and that this defendant have such other and further relief as may be proper in the premises.

This defendant prays for general relief and for its costs herein expended.

Coleman & Tucker

Attorneys for Sego Irrigation Company.

State of Utah,
County of Utah, SS.

James Clove, being first duly sworn, upon his oath, deposes and says: that he is an officer, to-wit, President, of Sego Irrigation Company, a corporation, one of the defendants in the above entitled action; that he has read the foregoing answer, counter-claim, and cross-complaint, and that the statements therein made are true of his own knowledge, except as to matters therein stated upon information and belief, and as to those matters, he believes them to be true.

James Clove
Subscribed and sworn to before me this 17th day of Nov. 1916.

Jacob Coleman
Notary Public.

41888
Provo Reservoir Company,
a corporation,
Plaintiff.

vs.

Provo City, et al.
Defendants.

ANSWER, CROSS-COMPLAINT AND
COUNTER CLAIM OF SEGO IRR-
IGATION COMPANY, a corpor-
ation, defendant.

~~IN DIST. COURT~~

~~UTAH CO., UTAH,~~

~~* FILED *~~

NOV 20 1916

E. J. Allum Clerk.

W. H. Allen Deputy.

Due service of the within
answer, cross-complaint and
counterclaim, as in due time,
is hereby admitted, this
20th day of November, 1916.

James E. Tucker
on *for* Attorneys for Plaintiff.

Coleman and Tucker,
Attorneys for Segoe Irr-
igation Company.